

# **RESTORE Act Advisory Board**

**Administration Conference Room  
18500 Murdock Circle, 5<sup>th</sup> Floor  
Port Charlotte, FL 33984**

**January 7, 2015**

## **Attendees ("Present" unless otherwise indicated):**

Dr. Lisa Beever, Director, Charlotte Harbor NEP  
Peter Guptil, retired, Visit Florida / Florida Tourism Commission  
Michael Haymans, attorney Excused  
Thomas Hecker, CHEC  
Ed Hill, Executive Director, Englewood Chamber  
Howard Kunik, City of Punta Gorda  
Janette Knowlton, County Attorney  
Julie Mathis, Executive Director, Charlotte Co. Chamber  
Annette Nielsen, retired, FDEP  
Kevin W. Russell, Attorney  
Kelly Shoemaker, Deputy County Administrator  
Elizabeth Staugler, Charlotte County  
Caitlin Weber, Conservancy of Southwest Florida  
Mindy Collier – Charlotte County staff

Ray Sandrock, County Administrator  
Gayle Moore, Charlotte County, Recording Secretary

Scott Andrichak, member of the public

Ms. Shoemaker called the meeting to order at 1:00 p.m., indicating that she would be acting as staff liaison to the Board. The members of the Board then introduced themselves.

Mr. Sandrock opened the meeting with remarks welcoming the group and thanking them for their participation. This is the next step in what is already a two-year process; the Commissioners will need this Board's recommendations to help guide them. He acknowledged that there will be some complexities and encouraged the members not to become frustrated.

Ms. Shoemaker noted that the agenda called for public input at the beginnings of each meeting. Mr. Scott Andrichak, the only member of the public in attendance, indicated he did not have comments. Mr. Sandrock then left the meeting.

County Attorney Janette Knowlton addressed the group on the "Government in the Sunshine" law, accompanied by a PowerPoint presentation. In short, members are advised not to have any discussions about RESTORE Act matters amongst themselves (whether all together or in smaller groups) except within the confines of a properly-noticed meeting. At the end of this presentation, Ms. Knowlton left the meeting.

Ms. Shoemaker then addressed the group as to their responsibilities on the Board, making them familiar with the expectations going forward. A notebook of materials was distributed to each member of the Board, providing background information on the RESTORE Act, arising out of the settlement of the Deep Water Horizon / BP Oil spill. The State of Florida has established a trust fund for 80% of the settlement funds, for distribution among the affected states. Florida has created a Gulf Consortium, a public entity created in 2012, involving 23 counties running from Escambia to Monroe County, working to meet requirement of the RESTORE Act to develop a state expenditure plan for economic and environmental recovery of the Gulf Coast in Florida. The Board of the Consortium has one representative from each county government; ours is Commissioner Constance. As a government entity, the consortium must meet all open records requirements of the state. Charlotte County is one of the 15 "non-disproportionately impacted counties" and as such, will be the recipient of RESTORE Act funds once they are distributed. Disproportionately-impacted counties will get money, directly and at an accelerated rate, based on the greater impact on them of the oil spill.

The RESTORE Act defines the use and eligible activities for which the funds may be used; this list is stated in the Resolution found under Tab 1 of the binder material. The Board must be prepared to receive, review and award projects which are in the best interests of the County, and account for the funds distributed to Charlotte County. This Advisory Board will assist the Commission in identifying which of the proposed projects qualify for funding under the Act.

Ms. Shoemaker then asked the members to review with her the contents of the notebook which had been provided.

Under the first tab, all Board members are listed with their contact info. Also found here is the Resolution by the Commission in creating the Advisory Board. Section 4 on page 4 of the Resolution sets out the responsibilities; Section 5 speaks to meetings and voting. Ms. Shoemaker asked the Board members particularly to become familiar with this material.

Ms. Shoemaker also noted that the County website now has a dedicated page for material related to RESTORE, and the notebook contents are available on that page. This first tab also includes information about the Gulf Consortium.

The material under the second tab is more about the RESTORE Act background and other items covered in a FAQ. There is additional information on the fund allocations, including a graphic which provides a look at this distribution. There is also a table that speaks to the distribution of the funding in Florida – this shows the shares of each county's funds from the Act along with some dollar figures.

The third tab offers information regarding the Application to Receive Federal Financial Assistance. This 40-page document provides some of the guidance which needs to be followed in applications for funding.

The fourth tab provides additional info on submission guidelines. This group will need to work on a "multi-year implementation plan". There will be projects submitted for discussion, to determine if they should be included in the plan; the submission guidelines document explains the goals and process surrounding the State's comprehensive plan, and helps you understand what the state is looking for when it comes to submission guidelines.

Also in this section, there is a document entitled Gulf Coast Ecosystem Restoration Council Progress Report, which refers to the Council put in place to deal with the five states, and each state's comprehensive plan goes to this Council for review and approval. The progress report covers what the council has done so far.

Finally, also in this section, is a printout of the PowerPoint presentation from last November in which the five projects are described that were selected to be supported in Florida; this demonstrates what sort of projects are being considered in a positive way for funding. This document illustrates how the Council will determine the division of funds amongst the various projects; this covers just the first release of funds, and there will be more of this sort of information coming in March regarding the next release of funds. This is all being considered even as the on-going lawsuits go through the courts. Ms. Shoemaker emphasized that due to these background activities, the Board could be engaged with these matters for quite some time into the future.

She also directed members' attention to the fact that the five chosen projects have been grouped together under a "similar umbrella of needs" and indicated that it could be helpful to study this aspect of the process.

Under the last tab in the binder are examples of other counties' approaches to the process. The binder has a list of websites (located under tab 2) and members are expected to read on their own and be prepared to discuss this information at future meetings, and be able to raise any questions that occur to them.

Ms. Shoemaker indicated that it would be OK to email her with questions or concerns, which she can then share with rest of Committee (Sunshine law does not prevent Board members from contacting Ms. Shoemaker, it only restricts non-public communications with other Board members.)

Ms. Shoemaker then opened the floor to nominations for Chair, and asked for volunteers who may be interested in that position. Mr. Hill nominated Mr. Kunik, who declined. Mr. Hecker nominated Ms. Weber. It was asked what duties are required of the Chair; Ms. Shoemaker described the duties as being essentially like a facilitator: Generally running the meeting, tracking the conversations and ensuring that everyone who would like to can speak. She indicated that there will be resources available, in the form of county staff, for research and other similar work. Mr. Kunik observed that two of four meetings each month are on City Council dates. Ms. Weber, when encouraged to do so, indicated she would accept the nomination. The following nominations were motioned:

Caitlin Weber – Chair

Howard Kunik – Vice-Chair

The Motion being called, it was passed unanimously by voice vote.

Next, the setting of the meeting dates was addressed. Ms. Shoemaker indicated she had tentatively booked eight Wednesday meetings in the current room; and that staff was also available at that time, and she hoped that would be acceptable to everyone. Mr. Russell asked if the group would need to meet EVERY Wednesday, and Ms. Shoemaker responded that she thought yes, at least at the beginning. Mr. Hill asked how long a typical meeting might last; she estimated a couple of hours, unless there was a lot of public input.

Ms. Staugler asked if she could not be available physically, if she could call in. It was agreed that for participation purposes only, not for voting (per Mr. Kunik), this would be acceptable.

The meeting format and the schedule having been accepted, Ms. Nielsen indicated she would be unavailable next Wednesday, and Mr. Russell and Dr. Beever indicated they each had a conflict also. Ms. Shoemaker discussed meeting quorums, and how that could impact voting if a quorum (6 people) was not available. She asked people to just bear that in mind.

Ms. Shoemaker then returned to the Resolution, which states the responsibilities of the Board members. She directed the members' attention to page 4, where it specifically lists what the Board will be working on; she asked members to read through this section and raise any questions that they had, and she also discussed the material. The subject of how to handle the public input will be a huge component of the management of the RESTORE funds; this will be a major part of the meetings. Members may propose outside speakers whose expertise they feel would be useful to the decision-making process. With regard to reviewing and ranking projects in the best interest of the county by using the criteria developed – this references the fact that members will also be developing the criteria to be applied; the comparative material from other counties may be helpful here. Ms. Shoemaker noted that Ms. Weber already has some experience with the Collier County group's development of criteria.

Mr. Kunik asked about projects which had already approved; Ms. Shoemaker agreed that was a good first conversation, noting that the County has submitted only three projects so far. She said there is a list developed by county staff and there are also other organizations that have projects to put forward as well. Ms. Mathis asked if the group will review these already-submitted projects also; Ms. Shoemaker indicated yes.

Mr. Guptil commented on funds shown in the notebook and the idea that some further funds may be released later in time, and he asked which criteria proposals that the group receives would be judged on: Based on the funds already released or what might be released in future? Fairness to the applicants would seem to depend at least in part on knowing the size of the pool of funds that would be available. Ms. Shoemaker indicated the \$568,000 figure listed for Charlotte County would be available to us as a "direct component" and may go up to \$800,000 depending on the lawsuit outcome, and these funds would be easier to use. However, the reason to have a multi-year implementation plan helps manage a variety of requests, for projects that fit in whatever category, so funds can be applied as they are released. When the state opened up the process, there were already a huge number of proposed projects, more than the funding could support. As members go through the process, they will become more familiar with what constitutes acceptable criteria; the projects you include in the implementation plan should, first and foremost, meet the criteria established, and lead to the betterment of Charlotte Co. Dr. Beever commented on the importance of first identifying needs, ranking them by urgency, as a starting place. If the funding will not fund the entire list, funding may eventually come from elsewhere.

Mr. Hecker indicated he had met with the BP attorney who had said there is judge requiring a mandatory pay-out of \$18 billion; is that still just going to mean a \$800,000 amount for Charlotte County? Ms. Shoemaker responded that our total may go up, but it won't go up to \$10 million or anything like that; she distinguished between the direct funds and the remaining amounts which will be available for the County to submit applications against. She reminded the group that when applying to the state, you are up against 22 other counties, whereas when applying to the federal level, we are also up against the Florida counties plus the other states. Further discussion ensued on this point.

Mr. Guptil then inquired regarding the two apparent levels of application, the direct dollars and then another, bigger pot, asking whether this Board will review projects for all these? Ms. Shoemaker responded affirmatively, noting that this is the point of the multi-year implementation plan. Further discussion also ensued on this point, describing the different "buckets" from which different projects might be funded, depending on the criteria involved.

Dr. Beever also commented, noting how this worked with regard to the funding of the NEPs around the Gulf Coast, which is already in process. She noted that each state is limited to five projects at that level and that every state has many more projects in waiting.

Ms. Mathis commenting on the information provided under the last tab, that there are some already-existing wheels which the Board won't have to reinvent; Mr. Kunik also noted that there is a list of projects already developed; more recommendations will be fine, but we already have a list. Ms. Shoemaker asked whether he thought it would be best to develop criteria first, or look at that existing list first? Mr. Hill indicated he would like to see the list first; Mr. Kunik agreed and Dr. Beever said she has not seen the list either. Ms. Weber also felt it would be important to review it, but that it would also be important to set some objectives and criteria. Ms. Shoemaker said that her "homework" would be to assemble the list for review, and for the members to review their notebooks for information on the other counties that are at different points in the process, to help get up to speed remembering that some e.g., Bay and Escambia counties, which are in the disproportionately affected group would be a little bit further ahead in the process. Mr. Kunik noted there is also information here from Collier County, which is more like our own environment, and therefore more germane to our effort; Mr. Hecker said he thought Lee County was complete as well. Ms. Weber spoke about ranking approaches. Dr. Beever noted that in the reference to Bay County, that should actually be Walton County.

Ms. Shoemaker opened the floor to any other ideas, comments, or discussion. Mr. Kunik recapped, noting that next week the group would start looking at projects which have already been submitted, and already-developed criteria that the group may be able to adapt.

Ms. Mathis noted that if the group could get some of this information before the next meeting, that would be very helpful.

Ms. Shoemaker thanked everyone for attending, and the meeting was adjourned at 1:59 p.m.